

**ST. CLOUD CITY COUNCIL REGULAR MEETING**

**Thursday, April 9, 2020**

**City Hall – Council Chambers**

**1300 9th Street**

**6:30 p.m.**

**Agenda**

**ADD-ON ITEM**

**IX. COUNCIL ACTION**

5. Resolution No. 2020-067R a resolution of the City Council of the City of St. Cloud, Florida, authorizing the use of communication media technology to conduct public meetings for the preservation of the continuity of government during the Novel Coronavirus Disease 2019 State of Emergency and authorizing the City Manager to take any and all measures reasonable and necessary to implement this purpose and providing for an effective date.

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RESOLUTION NUMBER 2020-067R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. CLOUD, FLORIDA, AUTHORIZING THE USE OF COMMUNICATION MEDIA TECHNOLOGY TO CONDUCT PUBLIC MEETINGS FOR THE PRESERVATION OF THE CONTINUITY OF GOVERNMENT DURING THE NOVEL CORONAVIRUS DISEASE 2019 STATE OF EMERGENCY AND AUTHORIZING THE CITY MANAGER TO TAKE ANY AND ALL MEASURES REASONABLE AND NECESSARY TO IMPLEMENT THIS PURPOSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Governor Ron DeSantis issued Executive Order 20-52 dated March 10, 2020, Declaring a State of Emergency for specified counties, including Osceola County, related to the Novel Coronavirus Disease 2019 (COVID-19);

WHEREAS, Osceola County Board of County Commissioners by action of March 16, 2020, similarly has declared a State of Emergency for Osceola County related to the Novel Coronavirus Disease 2019 (COVID-19);

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, in accordance with Section 252.38, *Florida Statutes*, the City of St. Cloud has the authority to declare a state of emergency within the municipal boundaries of the City of St. Cloud and invoke any and all emergency provisions, regulations, policies and programs as may be authorized by the State of Florida, State Statutes and County or City ordinances.

WHEREAS, the City Council of the City of St. Cloud adopted Resolution 2020-062R on March 16, 2020, declaring a Local State of Emergency within the City of St. Cloud (the "City") as a result of the potential health threat posed by exposure to and spread of COVI-D-19; and

WHEREAS, the threat of COVID-19 persists throughout our community, therefore posing a significant threat to public health and welfare; and

WHEREAS, the City Council, Code Enforcement Special Magistrate and those Advisory and Quasi-Judicial Boards created by the City Charter, City Code and the City Council on must convene in order to ensure the continuity of government, the delivery of essential services, protecting the interests of property owners and preserving the public health, welfare and safety; and

**WHEREAS**, Governor DeSantis, by Emergency Order No. 69, suspended the effect of Florida Statutes and prior Opinions of the Florida Attorney General that may require a quorum to be present in person or that may require a local government body to meet at a specific site, and authorizing local governments to utilize communications media technology (CMT), including telephonic, video conferencing and anything permissible pursuant to Fla. Sta. § 120.54(5)(b)(2), to conduct public meetings; and

**WHEREAS**, the City possesses the technology to broadcast its public meetings to the public; and

**WHEREAS**, in the interest of the continuity of government, while still providing meaningful access to the public, and minimizing the health threat to participants the City has determined that rules of procedure for conducting public meetings, hearings and workshops using CMT are necessary.

NOW THEREFORE; BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ST. CLOUD, FLORIDA, as follows:

**SECTION I. Suspension or Amendment of Code Provisions, Rules and Policies in Conflict.**

All provisions of the City Charter, the City Code or Resolution 2018-080R, “Rules of Conduct” that are in conflict herewith are hereby suspended or amended as set forth below.

**SECTION II.** Communication Media Technology (CMT) meeting notices shall include the following:

1. The physical address of City Hall or, if applicable, any remote access sites.
2. The general subject matter to be considered and instructions on how to obtain a copy of the agenda.
3. Instruction on how to provide public comment, submit evidence, give testimony and ask questions prior to, and during the public meeting without attending the meeting and in accordance with applicable law and rules, which may be limited to an email address or written statement mailed or delivered to City Hall. The notice shall provide that all presented evidence and testimony shall be afforded equal consideration, regardless of the means of communication or media technology.
4. An email address and telephone number for individuals who require special accommodations pursuant to ADA to participate in the meeting, and advisement that such request be submitted to the City three days prior to the meeting.
5. A statement regarding appeals of decisions made by the Council or Board and the requirement of appellant to ensure that a verbatim record of the proceeding is made.
6. Contact information for the clerk to the City Council or applicable Board for further inquiries.

**SECTION III.** Procedures for CMT Meetings. In addition to those procedure set forth in applicable law, city code, Resolution 2018-080R and Roberts Rules of Order, as may be applicable, the following procedures shall be used for CMT meetings:

1. Roll call of elected or appointed officials shall be made verbally on the record for the establishment of quorum.
2. Public comment shall be permitted in accordance with applicable law for public hearings and Florida's Public Participation Law and as set forth on the applicable meeting agenda. Nothing herein shall require or grant to the public the right to speak at a workshop or upon any matter where the council or the board does not intend to take final action.
3. The public shall have the following communication avenues to address the City Council or the Board as may be permitted by law:
  - a) Public Access Location. Address the council or board on a live video conference feed at a public access location to be established by the City and using technology provided and operated by the City. In such instances, the location shall be established Center for Disease Control and other reasonable precautions shall be implemented, maintained and monitored by the City. The City Manager is hereby granted authority to have any individual removed from that public access location who displays symptoms of associated with coronavirus or refuses to comply with reasonable and necessary precautions established by the City.
  - b) Email. The public or applicant may send a comment or statement to be read at the Council or Board meeting at the appropriate time. All emails must be received prior to the published start time of the applicable meeting. The email address shall be: [cityclerk@stcloud.org](mailto:cityclerk@stcloud.org)
  - c) Written Statement. The public or applicant may mail or deliver to City Hall on or before 4 p.m. EST of the day of the meeting to which the statement applies. The written statement shall be read at the Council or Board meeting at the appropriate time.
  - d) Nothing herein shall act to waive, release or amend any authority of the presiding officer to limit statements to comments relevant to the particular item, prohibit abusive and disparaging comments or shall act as a release or waiver of any rule related to time limits for speakers.
4. In addition to any livestream or broadcast or the applicable meeting, a copy of any CMT meeting shall be published on the City's website as soon as practical after adjournment.
5. These procedures may be reasonably modified during any CMT meeting as necessary due accommodate technical failures or limitations that may occur to ensure the continuation and completion of City business.

SECTION IV. The City Manager is hereby authorized and directed to revise the procedures set forth herein as may be required to ensure the efficient operation of the City, the appropriate review of

City matters and to ensure the public has a reasonable and fair opportunity to be heard on any final action matter taken by the Council, Special Magistrate or an appointed board.

SECTION V. This resolution shall take effect immediately upon its adoption and shall remain in effect until such time as the Novel Coronavirus Disease 2019 (COVID-19) state of emergency remains in effect or the Governor's Emergency Order No.: 69 is terminated.

PASSED AND ADOPTED by the City Council of the City of St. Cloud, Florida, on this 9<sup>th</sup> day of April 2020.

CITY OF ST. CLOUD

ATTEST:

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Mayor Nathan Blackwell

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Linda P. Jaworski, City Clerk